

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHEN CHONG SHU, }  
Plaintiff, }  
v. } Civil Action No. 03-409 Erie  
UNITED STATES OF AMERICA, }  
Defendant. }

**MEMORANDUM ORDER**

This civil rights action was received by the Clerk of Court on December 15, 2003, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 39], filed on February 22, 2006, recommended that Plaintiff's case be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendant. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 14<sup>th</sup> day of March, 2006;

IT IS HEREBY ORDERED that the case is DISMISSED for failure to prosecute.

The Report and Recommendation [Doc. No. 39] of Magistrate Judge Baxter, filed on February 39, 2006, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All parties of record  
Susan Paradise Baxter, U.S. Magistrate Judge